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Final Amendment and/or Response
Reply to final Office action of 29 March 2006

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REMARKS / DISCUSSION OF ISSUES

Claims 3 and 4 are pending in the application.

The Office action rejects claims 3 and 4 under 35 U.S.C. 103(a) over Hansen et al. (USPA 2002/0015135, hereinafter Hansen) and Hirata et al. (USP 6,124,979, hereinafter Hirata). The applicant respectfully traverses this rejection.

The Examiner's attention is requested to MPEP 2143, wherein it is stated:

"THE PRIOR ART MUST SUGGEST THE DESIRABILITY OF THE CLAIMED INVENTION ... The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). ... The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)".

Claim 3, upon which claim 4 depends, claims a light polarizing device that includes an optically transparent substrate, a corrosion sensitive polarizing element on the substrate, an optically transparent cover sheet, a plurality of spacers distributed around a periphery of the device and supporting the cover sheet on the substrate above the element, sealant extending around the periphery of the device between the substrate and the cover sheet, and non-reactive atmosphere filling the interior space between the substrate and the cover sheet and protecting the corrosion sensitive polarizing element.

Hansen teaches a wire-grid polarizer sealed between two substrates, but does not teach or suggest providing periphery spacers that support the upper substrate on the lower substrate above the polarizing element.

Hirata teaches sealing a polarizing device between two glass plates in a particular design environment wherein the polarizer substrate (resin) is susceptible to corrosion by the liquid coolant that is used to cool the components, but does not teach or suggest providing periphery spacers that support a cover plate on the substrate above the polarizer.

The Office action takes official notice that spacers used to evenly space substrates are well known in the art.

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The applicant acknowledges each of the above characterizations of the prior art, but respectfully note that this prior art does not suggest the combination that is claimed by the applicants. The mere fact that spacers can be placed to hold a cover sheet above a substrate upon which a polarizing element is located does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.

Hansen specifically teaches that care must be taken in matching the optical characteristics of the layers used to create the polarizer structure, and does not suggest that the upper substrate should be held above the grid-structure by peripheral spacers. The Office action asserts that one of ordinary skill in the art would have used such spacers to "allow the sealant to evenly seal the assembly without interfering with the optical transmission of the polarizer". However, Hansen's teachings regarding the optical design of the polarizing structure would suggest that supporting the cover sheet around the periphery and above the grid-structure would, in fact, interfere with the optical transmission of the polarizer. That is, one of ordinary skill in the art would not have been lead by Hansen's teachings to add peripheral spacers, when Hansen's simple sandwich configuration provides Hansen's preferred optical characteristics.

Hirata teaches placing the entire polarizer structure between two other sheets of glass, and does not suggest that peripheral spacers be placed on the substrate upon which the polarizing element is located in order to support a cover plate on the substrate above the polarizing element. Hirata specifically teaches creating an enclosure that surrounds the polarizing substrate, because the polarizing substrate is the material (resin) that is being protected from the external solvent. One of ordinary skill in the art would not have been lead by Hirata to add peripheral spacers to the polarizer's substrate, because this would not protect the polarizer's substrate from the external solvent.

Because there is no suggestion in the prior art to combine Hansen, Hirata, and known spacers, the applicant respectfully maintains that the rejection of claims 3 and 4 under 35 U.S.C. 103(a) based on this combination is unfounded, per MPEP 2143.

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In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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